



U.S. Department of Justice

MEMO ENDORSED
United States Attorney
Southern District of New York

United States Courthouse
300 Quarropas Street
White Plains, New York 10601

September 27, 2022

BY ECF

The Honorable Kenneth M. Karas
United States District Judge
Southern District of New York
300 Quarropas Street
White Plains, NY 10601

Re: *United States v. Nicholas Tartaglione*, S4 16 Cr. 832 (KMK)

Dear Judge Karas:

The Government respectfully submits this letter with the consent of defense counsel to request a modification of the schedule for the Government's *Daubert* motions. On September 6, 2022, the Government received the defendant's expert notice. Because the Government believed the defendant's notice was insufficient under Rule 16(b)(1)(C), the Government requested to meet and confer with defense counsel. That meet-and-confer process has been productive, with both sides acting in good faith, and progress has been made on the issues raised by both sides.¹

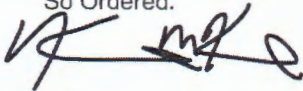
As a result of that process, the parties have agreed that the defense will make an additional disclosure including its remaining expert witnesses, as well as the substance of the opinions of all guilt-phase experts. The defense has agreed to make this supplemental expert notice by October 18, 2022. Accordingly, the parties have agreed to adjourn the deadline for the Government's *Daubert* motions, if any, to November 18, 2022, with the defendant's opposition due December 2 and the Government's reply due December 9. The defendant's *Daubert* motions, if any, will remain due on the previously set schedule (with filings on October 3, October 17, and October 24).

¹ During that same process, the Government has also conveyed its view that the defendant's Rule 12.2 notice of mental disease or defect evidence at the penalty phase, received on August 1, 2022, is similarly deficient. The parties have similarly engaged in productive conversations while meeting and conferring on this topic.

Accordingly, the Government respectfully requests that the Court so-order the above-described modification to the defense expert notice and Government *Daubert* motion schedule.

Granted. The Daubert briefing schedule is revised as noted herein.

So Ordered.



9/27/22

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

By: _____/s/_____

Maurene Comey
Jason Swergold
Jacob R. Fiddelman
Assistant United States Attorneys
(212) 637-2324
(914) 993-1963
(212) 637-1024

cc: All counsel of record